



## CITY OF MORGAN HILL

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### PLANNING COMMISSION MEETING

**REGULAR MEETING**

**JANUARY 16, 2001**

**PRESENT:** Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

**ABSENT:** Kennett

**LATE:** None

**STAFF:** Associate Planner (AS) Linder, Assistant Planner (AP) Tolentino, Senior Engineer (SE) Creer and Minutes Clerk Johnson.

#### **REGULAR MEETING**

Vice-Chair Ridner called the meeting to order at 7:04 p.m.

#### **DECLARATION - POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **PUBLIC COMMENTS**

Vice-Chair Ridner opened the floor to public comments.

There being none present who wished to speak, the public hearing was closed.

#### **LEGALLY NOTICED PUBLIC HEARINGS**

Vice-Chair Ridner reiterated the ground rules as related to length of speaker times allotted, noting there were eleven applications to be heard during the evening. He also reminded all present that the applications to be heard must have scored above 176 points on the east side and at least 172 on the west side.

Vice-Chair Ridner discussed with the Commissioners global issues which had received considerable comment during the past week. Of most concern were the Mello-Roos funding and the \$1,000 commitment pledge given to the school in lieu of Mello-Roos annexation.

It was noted by Commissioners that the rules for Measure P allocations had been set last July with a clear understanding of the requirements for Mello-Roos and the point system based on the established rules. However, all present recognized the fact that the School District adopted an alternative funding mechanism in August which had potential huge effects on the point system of Measure P.

Several persons in the audience noted their concerns regarding the differences. Speakers who addressed the issue were: Wayne O'Connell, Maureen Upton, Carolyn Hipp, Tom Merschel and Dick Oliver. Each expressed concern regarding the loss or reduction of points based on the School District's decision.

Martell Taylor was present representing the School District. He provided an overview of the actions by the School Board which changed the funding required for projects which are built in the City. He reiterated the state law(s) on which the decision(s) were made. Responding to a question, he indicated that the fees for a small house to be built under the Mello-Roos funding ~~might increase slightly, said that overall, the fees for both would be relatively stable and the same across the~~ would be higher than the August-adopted level 2 fees. He also agreed that the level 2 fees must be readjusted/readopted annually, whereas the Mello-Roos fees do not.

Further responding to comments by the members of the public and the Commissioners, Mr. Taylor said that in the future it might be wise to remove Mello-Roos from consideration within the Measure P applications.

During discussion, Commissioners repeated that a remedy this year was not feasible as this would constitute changing the rules in midstream, which would counter the efforts of the committees and staff who had agreed to - and been given - clear direction in July.

**THE COMMISSIONERS, BY CONSENSUS, DID AGREE THAT THE ISSUE(S) OF SCHOOL BASED FUNDING CONCERNS AND CONSEQUENTIAL POINTS FOR MEASURE P ALLOCATIONS, MUST BE REVISITED IN THE FUTURE. THE COMMISSIONERS FURTHER NOTED THAT THE RULES WOULD NOT BE CHANGED AT THIS TIME (DURING THE CURRENT ALLOCATION PROCESS) AS THE DIRECTION FROM THE CITY COUNCIL HAD BEEN CLEAR AS TO WHAT COULD OR COULD NOT BE ADDRESSED IN THE MEASURE P ALLOCATION HEARINGS.**

The Commissioners requested of Martell Taylor clarification of the size(s) and dollar commitments per parcel versus per dwelling. Mr. Taylor indicated he will provide a written statement next year for clear communication to the developers.

With Martell Taylor present, Vice-Chair Ridner asked for explanations of the methodology for computations of distances to Live Oak High School. Vice-Chair Ridner noted that Section 2A appeared

to be geared to measurement of safe walking distances which could be very different from direct routes. Discussion ensued regarding 2 i, ii, and iii, with the Commissioners and Mr. Taylor agreeing that in the future, wording needs to be clarified to ensure correctness in presenting information to developers and other members of the public.

**NEW BUSINESS:**

**1. APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:**

a) **MEASURE P, MP-00-18: CENTRAL-SOUTH VALLEY DEVELOPERS:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 66 single family residential dwellings on 20.67 acres on the northerly extension of Calle Hermosa, north of Central Avenue. *The score for this project is 181, which includes the addition of 1 point for the Open Space category and a loss of two points in the Natural/Environmental category for lack of preservation of habitat.*

The Vice-Chair opened the public hearing.

Scott Schilling, 16060 Caputo Dr #160, spoke to the issue, noting that on this phase, as has been the case since the beginning of the project, on 21% of the development, the average size of the houses has decreased while the assessment for Mello-Roos has increased. He asked for an additional point for Open Space, citing the addition of sidewalks to the rear of the property. He enumerated the concerns dealing with 1A, saying it was his feeling the requirement had been met, as the sideyards and setbacks were in excess of the requirements, saying certainly the spirit and letter of the requirement had been met. Regarding 1F (Lot Layout), Mr. Schilling explained the project has been ongoing for eight years, and noted that much of the staff had changed and so the thinking of retention of trees as related to the original location(s) of foliage in connection with the street patterns may be different now. He questioned if the Natural/Environmental scoring might be different this year? He further addressed the burrowing owl habitat, noting it has been preserved as required, and requested staff be directed to re-look at the project.

The public hearing was closed.

Commissioner Lyle commented it is important to ~~view~~ review the whole project area for the Lot Layout category for an ongoing project.

Commissioner Sullivan requested a review of the lengths and quantities of the side yards, stressing the need for consistency and understanding of the half-side yard provisions. She spoke of the need for specific quantative direction to staff on these issues.

**b) MEASURE P, MP-00-19: SUNNYSIDE-SOUTH VALLEY DEVELOPERS:**

A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 54 single family residential dwellings on 13.01 acres at the northeasterly corner of Sunnyside Ave. and Watsonville Rd. *This project received 174 points, with the loss of one point for each of the categories Lot Layout and Natural/Environmental.*

The Vice-Chair opened the public hearing.

Dave Vagg, 16060 Caputo Dr #160, spoke to the Commission regarding schools issues (Mello-Roos, Level 2 funding, and payment in lieu of Mello-Roos); he also spoke on the Circulation Efficiency, asking for one point in this category because of the bus routes with stops available. He assured the Commission that there was a long-standing agreement with VTA for provision of bus stops.

Scott Schilling joined Mr. Vagg as he explained the lot layout which provides view corridors with sufficient open space to view the hillsides, noting that as had been specified, 28 of the 52 lots provided open space views, that accounting for 53% of the project.

The Commissioners discussed with the applicant representatives the proposed and existing bus routes.

The public hearing was closed.

**c) MEASURE P, MP-00-21: MISSION VIEW-DIVIDEND:** A request for Measure P allocations for Fiscal Year 2002-2003. The project is Phases 5 and 6 of the "Mission Ranch" development and consists of 56 single family residential dwellings on 18.98 acres located on the southwest corner of Cochrane Road and Peet Avenue on the easterly extension of Mission Avenida. *Total points: 179, including minus one each for Lot Layout and Natural/Environmental.* The Natural/Environmental category considered the lack of riparian habitat protection.

Vice-Chair Ridner asked if this project had received points in previous years in the Orderly and Contiguous category? Staff indicated that past practice was not to award points in this category to this project.

Vice-Chair Ridner opened the public hearing.

Dick Oliver, 275 Saratoga Ave #105, representing the applicants, said that as far as the School/Pathway issue was concerned, the developer had made a commitment eight years ago to completing the pathway and cooperating with the schools and adjoining neighbors to see that finish. Mr. Oliver also said the developer had completed the payments required and had believed a new school would be built as the School District had indicated in prior years. He said the developer had "put up the money but the School District had failed to follow through on their end". He likened the situation to the Cochrane Road Assessment District, in which he said the developer also had participated. Mr. Oliver expressed concern that the project had not

received points for the portion which abutted the Mariani property lines. He further stated concerns about the method of awarding points for the circulation pattern, saying a commitment had been made to off-site construction and full road completion within the project. Mr. Oliver conveyed curiosity as to why points had appeared in the preliminary reports but had been eliminated in the final competition?

The public hearing was closed.

Staff discussed the Measure P point awards system with SE Creer, noting the application under discussion had received 12 points in the preliminary phases, but that the requirement of the elimination of stub streets was not present in the application; therefore, the points had been reconsidered to addition/elimination.

Commissioner Lyle suggested that there was a need for Staff review of the scoring methodology at the various step levels.

Commissioner Sullivan asked for clarification of item 3 on page 18 in the Orderly and Contiguous category. AP Tolentino complied.

The Commissioners spoke of the need for consistency in the application process(es), with Commissioner Lyle noting that Community Development Department Director Bischoff intended having discussion with the City Council, Commissioners and community members regarding agricultural use and residential buffers on the Ag zones.

Planning Staff members said it was understood that the discussions would include the issue of pathways to the area schools as well.

**d) MEASURE P, MP-00-22: COCHRANE-DIVIDEND:** A request for Measure P allocations for Fiscal Year 2002-2003. The project is Phases 6A & 6B of the "Coyote Estates" development and consists of 40 single-family residential dwellings on a portion of a 69.54 site located on the northeast corner of Cochrane and Peet Roads. *This project was awarded 176 points, including one point for the school category and a loss of two points in the Natural/Environmental category due to the lack of riparian habitat.*

Staff informed that this project had received points in the Natural/Environmental category as they had donated environmentally sensitive property to the city; it was stated that since those had been awarded once, staff would review for consistency in scoring.

Commissioner Mueller said that the Schools situation/point awards scenario in this case was similar to that of Mission Ranch, noting this project is dependent on Mission Ranch for the completion and dedication of pathways.

Vice-Chair Ridner opened the public hearing.

Dick Oliver, 275 Saratoga Ave #105, representing the applicants, reiterated the commitment to put in a school pathway. He also noted the City council had passed a policy to give priority

to existing projects for completion, saying this project had been underway for some time, while expressing distress that this project had received six points less than others which he termed identical to this application. Mr. Oliver informed the Commission that the EIR and VTA requires the dedication of a bus stop area, stating that no points were given for being on the bus line route, while other projects which were not contiguous to the bus line had received one point.

The public hearing was closed.

e) **MEASURE P, MP-00-23: PEET-DIVIDEND:** A request for a Measure P building allocation for Fiscal Year 2002-2003. The project consists of 44 single family dwellings on a portion of a 47.99 acre site at the southeast corner of Cochrane Road and Peet Avenue. *Total points for this project are 173, including the reduction of two points in the Natural/Environmental category.*

Vice-Chair Ridner opened the public hearing.

Dick Oliver, 275 Saratoga Ave #105, representing the applicants, stated the concern were the same with this project as he had previously voiced on other applications under consideration, except the bus stop and line route were not issues in this case. Mr Oliver repeated the commitment to school pathways, noting misgivings regarding the lack of school construction as had been anticipated.

The public hearing was closed.

Vice-Chair Ridner announced it was the Commission's intention for those participants whose projects did not get specific points this year to be informed for next year's process of the basic requirements for each category.

f) **MEASURE P, MP-00-24: CENTRAL-PACIFIC UNION HOMES:** A request for Measure P allocations for Fiscal Year 2002-03. The project is Phase 3 of the "Cero Verde" development and consists of 24 single family attached residential dwellings on 5.13 acres on the south side of E. Central Avenue west of Calle Mazatan. *The project received 177 points, with a "wash" of adding and deleting one point in the Natural/Environmental category. Also included was the addition of one point in the Orderly and Contiguous category.*

Vice-Chair Ridner opened the public hearing.

Wayne O'Connell, 2065 Malbee Place, represented the applicant, and stated that consistency in review of applications and award of points is needed. He asked for arbitration by the Planning Commission in the areas of Lot Layout and overall Master Plan, citing that this is a continuing project and indicating that he feels several categories, e.g., Open Space, Pathways, Lot Layout, relief for triplex as placed on corners have been met and should have been awarded points. Mr. O'Connell said it appeared that conflicting information had been provided from last year to this in the area of #9, driveway placement on busy streets. He further stated that in the Natural/Environmental category under phase one, points had been provided for involvement with the Butterfield channel. Mr. O'Connell also address the issue of trees in the

project, asking that one point be reinstated for the preservation of trees.

The public hearing was closed.

Commissioner Lyle stated that if two project applications had been submitted by the “same players” with “cross commitments”, minimum requirements should be adhered to by the players if only one allocation was received. He said, “If a commitment is made, that commitment must be honored if an allocation is granted, whether or not the full/duplicative request is apportioned.” Commissioner Lyle also noted that some language needs to be corrected in the staff reports which appears to be conflicting and consequently inaccurate.

**g) MEASURE P, MP-00-25: BUTTERFIELD-PACIFIC UNION HOMES:** A request for Measure P building allocations for Fiscal Year 2002-03. The project consists of 45 single family attached residential dwellings on 8.81 acres on the north side of E. Central Avenue at the northerly extension of Calle Mazatan. *The request has been awarded 173 points, with additional adjustments of one point each in the Open Space and Orderly and Contiguous categories, and two points in the Public Facilities category.*

Commissioner Lyle questioned an item where the same improvement had been listed seven times, with credit received five times. Staff indicated this would be revisited.

Vice-Chair Ridner opened the public hearing.

The public hearing was closed.

**h) MEASURE P, MP-00-26: WATSONVILLE-FAHMY:** A request for a Measure P building allocation for Fiscal Year 2002-2003. The project consists of 33 single family homes on 10.36 acres located on the south side of Watsonville Road opposite La Alameda. *The project was awarded 162 points.*

Vice-Chair Ridner opened the public hearing.

Bill McClintock, PO Box 1029, was present to speak in favor of the application. He said the property had been given allocations years ago, the owner lost the property and subsequently, the project application had been revived. He said that the owners will obtain letters of agreement next year as part of the application process. Mr. McClintock spoke of the efforts and commitment of the owners to save the Oak trees and preserve foliage. He further stated two points should have been awarded for the Orderly and Contiguous category. He cited a contention that Lot Layout in 1A had been misread and the parcel actually contained a single family detached unit proposal.

Commissioner Lyle asked the representative to look at the tables contained in the application as they are somewhat misleading.

The public hearing was closed.

i) **MEASURE P, MP-00-27: MURPHY-GREATER BAY CONSTRUCTION:** A request for a Measure P building allocation for Fiscal Year 2002-2003. The project consists of 36 single family attached dwelling units on 6.77 acres on the west side of Murphy Avenue opposite Kelly Park Circle. *This project request was awarded 163 points, with one point deducted for Lot Layout and one added for Circulation Efficiency.*

Vice-Chair Ridner opened the public hearing.

Bill McClintock, PO Box 1029, was present to pronounce in favor of the application, noting "great improvement of the last year's application". He said the units will be very attractive. Mr. McClintock said the staff report was too subjective in the category of Lot Layout, with the requirements being too narrow and too deep, and not applicable here. He indicated the project would be back next year.

Michael Lawson, 1385 James Court, who identified himself as a homeowner on James Court, said last year he had been so opposed to the project as presented, that he rallied the neighbors, but was now in favor of the project, which was revised to provide custom homes in the neighborhood. He asked consideration of lot size transition toward James Court, noting this would facilitate orderly growth.

Commissioners commended all concerned for their willingness to work together to secure orderly growth proposals for the City.

The public hearing was closed.

j) **MEASURE P, MP-00-28: DIANA-SHELTON:** A request for a Measure P building allocation for Fiscal Year 2002-2003. The project consists of 38 single family dwellings on a portion of 19.41 acre site on the south side of Diana Avenue and northerly extensions of Jasmine Way. *Total points awarded: 179.*

Commissioner ~~Lyle~~ Mueller asked Staff that if, in scoring, the whole area was looked at? [Yes] He also questioned if open space is scored on the whole area as this did not appear to be the case on page 13; it looked, he said, as though the site is larger than 19.4 acres as indicated in the report.

Vice-Chair Ridner opened the public hearing.

Maureen Upton, 820 E. Dunne, addressed the issue of schools in 2Aiii, noting Live Oak High School is within 1 ½ miles of the site, and indicating the developer will install storm drains and assist with dollars toward the traffic signal on Condit. She also spoke on the Open Space category (1E), noting that farming operations will continue in the project. She also addressed Natural/Environmental 1E and said habitat will be to enhance project conditions and will help to preserve the trees. She asked for reconsideration of points based on comparison with other projects indicated.

Bill McClintock, PO Box 1029, spoke to the Commission, stating the project had been through



the Measure P process previously and the concerns raised then had now been addressed. He said the project had always scored well and warrants approval. He also said the entire project is slightly less than 40 acres, telling the Commissioners that there is plenty of effort to preserve and enhance habitat on the property.

Michael Lawson, 1385 James Court, told Commissioners his property is adjacent to the development, stating again that last year he had been in opposition, but now had adopted a position of support. He stated the developer has made good faith effort to work with the in-place homeowners for obtaining satisfactory transition of lot sizes, that the developer has looked at neighbor's objections and concerns and has tried to help out and adjust.

The public hearing was closed

Commissioner Sullivan questioned the proposal of a gravel path, noting safety concerns because of contiguous paved pathways.

Commissioner Lyle said this is the first time the developer has offered suggestions for working on safety issues on Main Street, suggesting that safety issues may exist on Condit relating to the project. He also stated that if a gravel path were to be constructed, drainage would be a serious consideration.

**k) MEASURE P, MP-00-29: E. DUNNE-MONTEREY BAY DEVELOPMENT:**

A request for a Measure P building allocation for Fiscal Year 2002-2003. The project consists of 14 single family dwellings on a portion of a 17.48 acre site on the south side of East Dunne Ave. opposite Tassajara Dr. *Total points awarded: 179.*

Commissioner Lyle asked questions regarding the Public Facilities category; specifically, the points awarded for the installation of computerized caution lights at the high school, noting a ~~concern with distances within one mile of the project~~ that the improvement is beyond the 1-mile distance required by this criteria.

Vice-Chair Ridner opened the public hearing.

Wayne O'Connell, 2065 Malbee Place, represented the applicant, questioned the category of Natural/Environmental, saying one point had been received last year and requesting consistency for this year. Staff suggested Mr. O'Connell re-look at the issue he raised, stating one point had been given again this year in that category.

Commissioner Lyle stated a belief that the project had been controversial last year. He also noted the Horticultural Society had planted trees and been involved with retention ponds in the project boundaries for years.

Commissioner Mueller said there was a need for discussion regarding the retention ponds and their value to the area.

Tom Merschel, 9781 Blue Larkspur, Monterey, representing the owner, addressed the

Commission regarding the awarding of allocation. He asked for consideration of the Gerard project for point awards, and asked for consideration of 14 slot allocations, stating it would be much appreciated.

Commissioner Sullivan asked the minimum number which would be workable? Mr. Merschel responded they would like to have the 14 during the next two-year period. Commissioner Sullivan said she agreed the retention pond issues need to be reconsidered in the future.

Commissioner Pinion said he is in agreement with the discussion, while Commissioner McMahon stated there is a need to look at the positive effect(s) of the project

The public hearing was closed.

The Commissioners engaged in discussion of bike pathways and the connections with public facilities, citing the transportation/circulation Master Plan of the City. Commissioner Mueller noted particular concerns with the Sutter Creek Channel bikeway connection.

Vice-Chair Ridner commended the speakers for keeping to the time lines outlined. Responding to a question by Commissioner Lyle, Vice-Chair Ridner directed Staff to begin formulating ground rules for the discussion(s) at the of allocation awards on February 13, 2001.

## **OLD BUSINESS:**

### **2. APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:**

a) **MEASURE P, MP-00-06: BUTTERFIELD-THE DESILVA GROUP:** A request for Measure P allocations for Fiscal Year 2002-2003. The 109 unit condominium project is located on a 7.77 acre parcel on Diana Avenue and Butterfield Boulevard, adjacent to the Union Pacific Railroad line. The application is for Phase I of the development consisting of 55 dwelling units

b) **MEASURE P, MP-00-07: CAMPOLI-FMA:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 9 single family dwellings on 2.33 acres located on the south side of Campoli Drive, west of Old Monterey Road.

c) **MEASURE P, MP-00-08: SAN PEDRO-LUPINA:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 24 single family detached dwellings and 8 single family attached dwelling units on 8.43 acres on the easterly extension of San Gabriel Avenue, south of San Pedro Avenue.

d) **MEASURE P, MP-00-09: TILTON-DELCO:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 19 single family dwellings on 7.87 acres located on the north side of Tilton Avenue immediately west of Monterey Highway and the

Union Pacific Railroad line.

e) **MEASURE P, MP-00-10: HALE-DELCO:** A request for Measure P allocations for Fiscal Year 2002-2003. The project is Phase 3 of the previously approved "Monte Villa" development located on the south side of Llagas Road, west of Hale Avenue, opposite Shadowbrook Way. Phase 3 will extend west to Hale Avenue, approximately 700 feet south of Llagas Road and will consist of 17 single family detached and 18 single family attached dwelling units.

f) **MEASURE P, MP-00-11: SHAFFER-BAMDAD:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 18 single family estate homes on 8.58 acres located a westerly extension of Shafer Avenue and northerly extension of Katybeth Way and Conte Court, west of Hill Road.

g) **MEASURE P, MP-00-12: CENTRAL-WARMINGTON:** A request for Measure P allocations for Fiscal Year 2002-2003. The project will consist of 86 single family dwellings on 28.34 acres located on a northerly extension of Lancia Drive on the north side of East Central Avenue.

h) **MEASURE P, MP-00-13: MONTEREY-PINN BROS.:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 78 condominium dwelling units on 7.01 acres west of Monterey Road approximately 875 feet north of Watsonville Road.

i) **MEASURE P, MP-00-14: W. EDMUNDSON-PINN BROS.:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 24 single family dwellings on 8.10 acres located on the south side of West Edmundson Avenue opposite the Community Park.

j) **MEASURE P, MP-00-15: CONDIT-PINN BROS.:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 18 single family attached (duet) units on 3.33 acres located on the east side of Condit Road approximately 1060 feet north of East Dunne Avenue.

k) **MEASURE P, MP-00-16: BUTTERFIELD-DICONZA:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 33 single-family attached (townhouse) units on 5.52 acres on the west side of Cory Drive and westerly extension of San Juan Drive.

l) **MEASURE P, MP-00-17: TENNANT-LIN:** A request for Measure P allocations for Fiscal Year 2002-2003. The project consists of 12 townhouse dwelling units on a .991 acre parcel on the north side of Tennant Avenue and west side of Church Street.

No action required.

PLANNING COMMISSION MINUTES

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- S The Draft EIR from VTA concerned with the widening of Highway 101 has been received and will be circulated to interested Commissioners.
- S The Commissioners have received notice of the Planners Institute conference sponsored by the CA League of Cities.
- S A closed session scheduled for 6:30 p.m. on January 30, 2001.

**ADJOURNMENT** There being no further business, Vice-Chair Ridner adjourned the meeting at 10:34 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON**

**Minutes Clerk**